

REMARKS

INTRODUCTION

Claims 1-17 and 20 were previously and under consideration.

Claims 21 and 22 are added herein.

Therefore, claims 1-17, and 20-22 are now pending and under consideration.

Claims 2-6, 8, 10-12, 15, and 17 are allowed.

Claims 1, 7, 9, 13, 14, 16, and 20 are rejected.

Claims 1, 7, 9, 13, 14 and 16 are amended herein

ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because:

(a) it is believed that the amendment of the claims puts this application into condition for allowance;

(b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(c) the amendments of the claims should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in

the Advisory Action.

REJECTIONS UNDER 35 USC § 103

In the Office Action, at pages 2 and 3, claims 1, 7, 9, 13, 14, 16, and 20 were rejected under 35 U.S.C. § 103 as obvious over Takahashi in view of admitted prior art. This rejection is traversed and reconsideration is requested.

TAKAHASHI DOES NOT ALLOCATE PLURAL PATHS FOR A SINGLE SERVICE REQUEST BASED ON SERVICE BANDWIDTH INFORMATION OF A FIRST PATH AND SERVICE BANDWIDTH INFORMATION OF A SECOND PATH THAT IS INCLUDED WITH THE REQUEST

Amended claim 1 recites "secur[ing] for a subscriber bandwidth for a plurality of paths that are to be used together to carry data to provide an application service from a service provider to the subscriber ... determining whether a received message is a request message for a first path of the plurality of paths, the request message including first bandwidth information for the first path of the plurality of paths and second bandwidth information for a second path of the plurality of paths used for carrying the data of the application service required by the subscriber; and ... [responsive to the request] securing the plurality of paths and a bandwidth for the plurality of paths based on the bandwidth information of the two or more paths in the request message for the first path between the service provider and the subscriber". Claims 7 and 9 recite similar features.

In other words, a request for a service that uses multiple paths secures bandwidth for those paths based on bandwidth information on two of the paths that is included with the request. Bandwidth for multiple paths that are needed together for the requested service is secured. In contrast, Takahashi only allocates one virtual path (VPC) per incoming request. Neither Takahashi nor the Applicant's Prior Art (APA), individually or combined, recite a request having bandwidth information of both a first path and second path. Withdrawal of the rejection of claims 1, 7, and 9 is respectfully requested.

CLAIMS 13 AND 14: BANDWIDTH FOR PLURALITY OF PATHS FOR A SERVICE SECURED WHEN NUMBER OF REQUEST MESSAGES REACHES NUMBER OF PATHS NEEDED

Claim 13 recites "determining whether a number of request messages received for the application service from the same subscriber reaches a number of paths indicated by the request message for the first path" and securing bandwidth for the all of the paths needed for the service when so determined. Claim 14 recites similar features. Takahashi does not discuss securing multiple paths needed to carry data for one application service (e.g. a control data channel and a video data channel). As discussed above, Takahashi does not discuss securing a plurality of paths for an application service based on a request message for a first of the paths, and it does not discuss securing the bandwidth when, as in claims 13 and 14, a number of requests reaches a number of the plurality of paths indicated by the first message for a service.

VIRTUAL PATH OF TAKAHASHI DOES NOT CORRESPOND TO AN APPLICATION SERVICE

Claim 1, for example, recites "secur[ing] for a subscriber bandwidth for a plurality of paths that are to be used together to carry data to provide an application service from a service provider to the subscriber". The virtual paths themselves in Takahashi do not correspond to a "provided service", but rather are themselves the service, which is a communication service. In other words, the claimed application service (e.g. user service such as video on demand) is different from a network/communication service such as a VPC that is provided by Takahashi. This is further supported by the recitation that the paths carry data of the application service. The VPC of Takahashi cannot be both an application service and an application service. Claims 7, 9, 13, 14, and 16 recite similar features. Withdrawal of the rejection of claims 1, 7, 9, 13, 14, and 16 is respectfully requested.

Claim 16 recites features similar to those discussed above, but where a request message sets in the switching system an order of bandwidths to be secured for the application service, from large to small. Withdrawal of the rejection of claim 16 is respectfully requested.

MOTIVE TO COMBINE

The proposed motive to combine Takahashi with the APA is to obtain "a switching apparatus capable of decreasing the probability of a connection establishing a request being rejected". However, this motive is so general that it could be used to justify any combination of prior art. In communications, it is always desirable to avoid a rejected connection when possible.

In Ex parte Humphreys (24 USPQ 2d 1255), the Board held that an Examiner must provide specific reasons to support an obviousness rejection. The Board stated that "[t]he examiner's rejection is not specific as to how one of ordinary skill in the art would have found it obvious to practice any specific method within the scope of these claims as of the filing date of this application ... the examiner has not explained with any specificity ... how [the prior art would have suggested the combination]". The motive does not explain why one skilled in the art would expect plural types of paths in Takahashi to reduce the chance of a connection rejection.

Withdrawal of the rejection is respectfully requested.

DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 3 recites determining whether the received message is a following request message for a remaining path in which information identifying the request message for the first path is set. This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

NEW CLAIMS

New claims 21 and 22 have been added to clarify an aspect of the present invention in which multiple bandwidths, which are predefined as necessary for an application service, are secured by a switching system when an application service is initiating the service.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

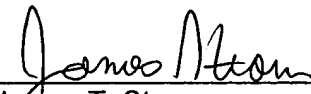
Serial No. 09/382,458

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 5 DEC 2003

By: 
James T. Strom
Registration No. 48,702

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20001
(202) 434-1500
Facsimile: (202) 434-1501